

I certify that the attached is a true and correct copy of HJR 46, which was filed of record on JAN 26 1989 and referred to the committee on:

1989 FEB 13 PM 4:05

FILED JAN 26 1989 OF REPRESENTATIVES

Appropriations
Betty Murray
Chief Clerk of the House

By [Signature]

HJR. No. 46

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing appropriations for
2 a term of longer than two years for payments of certain
3 correctional facility contracts entered into by the state.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII, Section 6, of the Texas
6 Constitution is amended to read as follows:

7 Sec. 6. No money shall be drawn from the Treasury but in
8 pursuance of specific appropriations made by law; nor shall any
9 appropriation of money be made for a longer term than two years,
10 except for payment of contracts entered into by the state for the
11 financing, construction, operation, maintenance, or management of
12 secure state correctional facilities [by-the-first-Legislature-to
13 assemble-under-this-Constitution,--which--may--make--the--necessary
14 appropriations--to--carry-on-the-government-until-the-assemblage-of
15 the-sixteenth-Legislature].

16 SECTION 2. This proposed amendment shall be submitted to the
17 voters at an election to be held November 7, 1989. The ballot
18 shall be printed to provide for voting for or against the
19 proposition: "The constitutional amendment authorizing
20 appropriations for a term of longer than two years for contracts
21 for state correctional facilities."

HOUSE COMMITTEE REPORT

89 MAY 22 PM 3:10

HOUSE OF REPRESENTATIVES

1st Printing

By



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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-19-89
(date)

Sir:

We, your COMMITTEE ON APPROPRIATIONS,

to whom was referred HJR 46 (measure) have had the same under consideration and beg to report

back with the recommendation that it

- (☒) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes () no

An actuarial analysis was requested. () yes (☒) no

An author's fiscal statement was requested. () yes (☒) no

A criminal justice policy impact statement was prepared. () yes (☒) no

A water development policy impact statement was requested. () yes (☒) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure () proposes new law. (☒) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Rudd, Ch.	<input checked="" type="checkbox"/>			
Williamson, V.C.				<input checked="" type="checkbox"/>
Cavazos				<input checked="" type="checkbox"/>
Carter				<input checked="" type="checkbox"/>
Colbert				<input checked="" type="checkbox"/>
Collazo	<input checked="" type="checkbox"/>			
Connelly	<input checked="" type="checkbox"/>			
Danburg	<input checked="" type="checkbox"/>			
Denton	<input checked="" type="checkbox"/>			
Earley	<input checked="" type="checkbox"/>			
Evans				<input checked="" type="checkbox"/>
Garcia	<input checked="" type="checkbox"/>			
Harris, C.				<input checked="" type="checkbox"/>
Hollowell				<input checked="" type="checkbox"/>
Lewis, R.				<input checked="" type="checkbox"/>
Madla	<input checked="" type="checkbox"/>			
Martinez				<input checked="" type="checkbox"/>
McKinney				<input checked="" type="checkbox"/>
Moreno, A.	<input checked="" type="checkbox"/>			
Perry	<input checked="" type="checkbox"/>			
Tallas	<input checked="" type="checkbox"/>			
Vowell	<input checked="" type="checkbox"/>			
Watkins				<input checked="" type="checkbox"/>

Total

12 aye

0 nay

0 present, not voting

11 absent

CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

H.J.R. 46
By: Smith, D.

Committee on
Appropriations

BACKGROUND

By constitutional provision, the state may not appropriate any money for a term longer than two years. This provision effectively prevents the state from entering into favorable long-term contracts because the state often cannot constitutionally appropriate the money it is obligated to pay until after the contract is in effect.

PURPOSE

This resolution proposes an amendment to the Constitution that will permit the State to appropriate all money due under a long-term contract for minimum and medium security prison construction and maintenance at the time the contract is created.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section amends Art. VIII, Sec. 6 of the Texas Constitution to permit the state to make an appropriation of money for a term longer than two years if such appropriation is pursuant to contracts to finance, construct, operate, maintain or manage secure state correctional facilities. Such facilities are minimum and medium security facilities.

SECTION 2

This proposed amendment would be submitted to the voters in an election to be held on November 7, 1989.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

SUMMARY OF COMMITTEE ACTION

The measure was considered in a formal meeting on 5/19/89. On this day the committee voted to report the bill back to the full house with the favorable recommendation that it do pass and be printed on a record vote of 12 ayes, 0 nays and 11 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 19, 1989

TO: Honorable Jim D. Rudd, Chair
Committee on Appropriations
House of Representatives
Austin, Texas

In Re: House Joint
Resolution No. 46
By: D. Smith

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 46 (proposing a constitutional amendment authorizing appropriations for a term of longer than two years for payments of certain correctional facility contracts entered into by the state) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize appropriations for a term longer than two years for payment of contracts entered into by the state for the financing, construction, operation, maintenance, or management of secure state correctional facilities.

The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

If General Revenue Fund appropriations contingent on adoption of the amendment and valid for more than two years are adopted, the amount of revenue available for certification would be reduced by the amount of such appropriations.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, AL, RS, LV

46

Robert Smith

HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing appropriations for a term of longer than two years for payments of certain correctional facility contracts entered into by the state.

JAN 26 1989

1. Filed with the Chief Clerk.

FEB 13 1989

2. Read first time and referred to Committee on

Appropriations

MAY 19 1989

3. Reported favorably ~~(as amended)~~ ~~(as substituted)~~ and sent to Printer at11:50am
MAY 22 1989

MAY 22 1989

4. Printed and distributed at

3:10pm

MAY 22 1989

5. Sent to Committee on Calendars at

4:02pm

MAY 26 1989

Motion to table HJR 46 prevails by record vote
102 yeas 36 nays 0 PNV.

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at _____

12. Engrossed.

13. Returned to Chief Clerk at _____

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on _____

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

22. Read second time

passed to third reading by:
(a viva voce vote.)

(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____

ALABAMA SENATE

01:03 PM 22 MAY 68